

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SCHOOL EDUCATION DEPARTMENT – Creation of Supernumerary post of upgraded B.Ed., Asst. in respect of Smt. P. Dayamani, Retd., M.E.O. of East Godavari for the period from 01.06.1977 to 17.01.1980 – Orders – Issued.

FINANCE (SMPC.I) DEPARTMENT

G.O.Ms.No. 147

Dated:02.06.2012
Read the following:-

- 1.From the Commr & Director of School Education, A.P., Hyderabad, Lr.Rc.No.3812/D1-4/2011, dated. 02.12.2011.
2. Govt.Memo.No. 28175/SE-Ser.I.2/2011, dt. 04.02.2012.
- 3.From the Commr. & Director of School Education, A.P., Hyderabad, Lr.Rc.No. 3812/D1-4/2011, dated 13.02.2012.
- 4.From Govt. Pleader for Edn(S), APAT, Hyd., Lr.No. CA.No. 610/2010/S.Edn(S), dated 23.02.2012.
5. Govt. Memo.No. 28175/SE-Ser.I.2/2011, dt. 25.02.2012.
6. From Govt. Pleader for Edn(S), APAT, Hyd., Lr.No. CA.No. 610/2010/S.Edn(S), dated 27.02.2012.
- 7.From the APAT., Hyderabad orders, dated 16.04.2012 in C.A.No.610/2010 in O.A.No.5823/2009 with VMA No.973/2011.
8. Govt. Memo.No.28175/SE-Ser.I.2/2011, dated 28.05.2012.
9. S.E. (SE.Ser.I) Dept., U.O.No.28175/SE.Ser.I.2/2011, dated: 31.05.2012

O R D E R:

In G.O.MS.No.683 Education, dated 15.09.1980 and G.O.Ms.No.1038 Education, dated 14.09.1981, Government have issued orders duly creating (3172) posts of B.Ed. Assts., in lieu of up-gradation of SGTs, in schools under Govt., Zilla Parishad, Municipal and Aided Managements w.e.f. 01.01.1976. It is ordered that these additional posts shall be purely personal to the incumbents and they shall automatically stand down graded as SGTs as and when the present incumbents vacate the post due to Promotions, absorption in regular vacancies, retirement or other wise.

2. Out of (3172) B.Ed., sanctioned posts (15) posts allotted to East Godavari District. Against the (15) posts, (14) posts have been utilized previously during year 1991 as per earlier instructions and (1) post has been utilized as per subsequent instructions.

3. Kum. Sheik Nurjahan and Smt. P. Dayamani who come under the above category could not be given B.Ed., promotion for want of sanctioned posts and requested to allot two more B.Ed., posts from out of unutilized posts if any surrendered from any district under Government for considering promotion as B.Ed., Assistants. Based on the instructions of the C & DSE, keeping in view the orders of the APAT in O.A.No.2018/2005, the DEO, East Godavari District vide his Procdgs., dated 28.12.2005 has issued orders to Smt. P.Dayamani duly informing that it is not feasible for giving promotion as B.Ed., Asst., in the upgraded post at this juncture after a lapse of 24 years.

4. Aggrieved by the said orders, Smt. P.Dayamani has filed another OA.No.620/2006 and the Hon'ble Tribunal in its orders dt. 20.06.2007 disposed the O.As 2018/2005 and 620/2006 with a direction to the respondents to consider the claim of the applicant for extending the benefits of up-gradation for acquiring higher qualification in accordance with G.O.Ms.No.1038, Edn, dt. 14.09.1981 by keeping in view the orders passed by the Government in G.O.Rt.No.141, dt. 30.01.2004.

5. Subsequently, as per instructions of the C&DSE., again detailed speaking orders have been issued to Smt. P.Dayamani duly informing that her particulars are not received by that time from the Institution or personally where she worked at that time. Since, the Government have sanctioned certain posts to the different management i.e., Govt., ZPPS, Municipalities and Aided, out of that 15 posts were sanctioned under Government sector to E.G. District vide G.O.Ms.NO.683 Edn, dt. 15.09.1980 and no posts were sanctioned in terms of G.O.MS.No.1038 Edn., dt.14.09.1981. So, her name was not considered as on that date. Her request for upgrading the SGT post to that B.Ed., Asst., is not feasible for consideration as the allotted 15 posts under Government Sector to E.G.District, are exhausted and more over the particulars of the applicant were not presented / submitted for consideration at that relevant period of time and hence her request is not feasible for consideration and hence rejected, vide DEO., E.G.District Proceedings, dated 23.07.2008. The individual has filed O.A.No.5823/2009 challenging the above proceedings.

6. The Hon'ble Tribunal in its orders dt. 10.10.2011 in C.A.No. 610/2010 in O.A.No. 5823/2010 with VMA No. 973/2011, has directed that whether the applicant has passed her B.Ed examination prior to the cut-off date.

7. The DEO., East Godavari in his letter, dated 03.11.2011 has informed that four candidates including the applicant, who are having B.Ed., qualification on or before 01.06.1977 have not got promotion in the upgraded B.Ed posts. In G.O.Rt.No.141 Education (SE-Ser.II) Department dt. 30.01.2004 in which similarly situating persons namely Sri S.Krishna Sankar and Smt. A.V.Ramana Devi were given the benefit of upgraded B.Ed. Assistant posts by creating supernumerary posts and the same benefits was not extended to the applicant. The applicant has also been directed to produce her original certificate of passing B.Ed examination.

8. After re-examining the certificate of the applicant, the DEO, E.G.Dist., has submitted a report to the Hon'ble Tribunal through an additional affidavit, stating that he has written a letter to the Registrar, A.U., requesting to submit the pass particulars of B.Ed and period of study of the applicant.

9. The Hon'ble Tribunal in its subsequent orders dated 02.11.2011 in C.A.No. 610/2010 in O.A.No. 5823/2009 with VMA No. 973/2011 has directed the DEO to visit the O/o. the Registrar, A.U., personally and verify the same. The Registrar, A.U., has also been directed to assist and ensure that the required information is provided to the DEO, E.G.Dist. Accordingly, the DEO., E.G. District has obtained the required information from the Andhra University and requested the C & DSE., Hyderabad to issue necessary orders in the matter.

10. The Hon'ble Tribunal in its further orders dt. 10.11.2011 in C.A.No. 610/2010 in O.A.No. 5823/2010 with VMA No. 973/2011, has directed the 2nd respondent (C&DSE) to take necessary action on the letter of the DEO, E.G.Dist., requesting to issue necessary orders for creation of supernumerary posts of upgraded B.Ed.Asst. w.e.f. 05.04.77, in respect of the applicant, in compliance of the order of the Tribunal.

11. The C&DSE, Hyderabad in his letter, dated 02.12.2011 has stated that, in similar case the Government have issued orders in G.O.Rt.No.141 Edn., dt. 30.01.2004 accord approval to create supernumerary posts of upgraded B.Ed., Assistants post w.e.f. 31.03.77 in respect of Sri Krishna Sankar and from 05.04.77 in respect of Smt. A.V.Ramana Devi with monetary benefit from 01.03.1980. Further, the Government is competent authority to extend the benefits of up-gradation in favour of applicant by creating superannuation post

and then only it is possible for implementation of the APAT, orders. The C&DSE has therefore requested the Government to issue necessary orders as deemed fit in the matter at an early date to avoid further legal complications in the matter.

12. The C & DSE., Hyderabad in his further letter, dated 16.04.2012 has submitted that Smt. P. Dayamani was relieved on the A.N. of 16.08.1976 to undergo B.Ed., training at Government Comprehensive College of Education, Rajahmundry. But entry was made in the S.R. of the individual for sanction of Advance increment of Rs.10/- and raising her pay from Rs.360/- to 370/- w.e.f. 17.05.1977 without entry of the B.Ed. degree. As per the Faculty of Teaching of B.Ed., degree she passed in the month of May, 1977 and was issued certificate on 09.07.1978 by the Registrar, Andhra University, Waltair. The individual was promoted as B.Ed., Asst. and she joined duty on the F.N. of 18.01.1980 according to her seniority. The individual is having B.Ed., qualification by 01.06.1977 but the B.Ed. degree certificate issued by the authorities on 09.07.1978. While submitting the report of the DEO., East Godavari District, and Statement showing the particulars of the individual for creation of supernumerary post of upgraded B.Ed., Asst., the C & DSE., Hyderabad has informed that the supernumerary post of B.Ed., Asst. is required from 01.06.1977 to 17.01.1980.

13. In the circumstances stated by the Commissioner & Director of School Education, A.P., Hyderabad, the Government after careful examination of the matter, keeping in view the orders of the Hon'ble Tribunal in C.A.No.610/2010 in O.A.No.5823/2009 with VMA No.9732011, Government hereby accord approval for creation of supernumerary post of upgraded B.Ed., Asst. in respect of Smt. P. Dayamani, Retd., M.E.O. of East Godavari for the period from 01.06.1977 to 17.01.1980.

14. The School Education (SE.Ser.I) Department/ the Commissioner & Director of School Education, A.P., Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. P.V. RAMESH
PRINCIPAL SECRETARY TO GOVERNMENT (RE)

To
The School Education (SE.Ser.I) Department,
The Commissioner & Director of School Education, A.P., Hyderabad.
The District Educational Officer, East Godavari at Kakinada.
The Govt. Pleader for Education (S), APAT., Hyderabad.
The A.G., (A&E)/Prl. A.G.(Audit-I)/A.G.(Audit-II), A.P., Hyd.
The Director of Treasuries & Accounts, A.P., Hyderabad.
The Pay & Accounts Officer, A.P. Hyderabad.
The Dy. Pay and Accounts Officer, Secretariat Branch, Hyd.
The General Administration (Cabinet) Department (for information)
SF/SCs

// FORWARDED : : BY ORDER//

SECTION OFFICER